

Pat
copy to Tink
for P. Colucci

J. Nallen



W.R. BERKLEY CORPORATION

475 Steamboat Road Greenwich, CT 06830 [REDACTED]

FACSIMILE COVER SHEET

Date: March 3, 2004

To: David DeVoe

Company: News Corporation

Fax #: [REDACTED]

Phone#:

of pages (including cover sheet): 3

From: ***Brett Dubin***

Executive Assistant
to Chairman & CEO

Phone: [REDACTED]

Fax: [REDACTED]

e-mail: [REDACTED]

Comments: **CONFIDENTIAL**

Dear Mr. DeVoe,

Mr. Berkley asked that I forward to you the accompanying information.

Thank you.

NAM 000136



George Rebh
[redacted]@floorgraphics.
com>

To: [redacted]@wrbarkley.com, [redacted]@wrbarkley.com
cc:
Subject: News America floor group

03/03/2004 01:57 PM

Bill,

News America's floor advertising group has undertaken a number of actions which have shaped the nature of our competition and which would seem not in keeping with principles of its parent News Corp.

1. They obtained the list of our employees' home addresses, and for a period of almost two years, mailed their press releases to homes of our employees, including secretaries and administrative staff, attempting to erode morale and break their spirit. They ceased this activity after it was acknowledged by them in testimony in a legal proceeding last year.
2. In 2001, News America's floor group was notified that they were acting in violation of our exclusive patent rights regarding 3D floor advertising. News Corp attorneys specifically agreed to cease such activity and destroy all literature referencing it. Now, two years later--as recently as two weeks ago--the News America floor advertising group continues to distribute sample ads and literature claiming a capability to produce the patent-protected 3D floor advertising, infringing on our patent rights and in violation of News Corp's attorneys' stipulation that they would cease such activity.
3. As fully detailed in the attached document, we have just discovered evidence that our proprietary and password-protected computer files of past, current and upcoming floor ad programs has been breached by News America, as identified by their IP address. This unauthorized access to our secure information began in October, 2003 and continued into January, 2004, when it was discovered. It appears News America acquired inside knowledge of our systems and passwords through some sort of corporate espionage.
4. There are other actions of News America's floor advertising group which have poisoned the competitive environment and similarly would seem to be out of character for a company of the stature of News Corp.



George COMPUTERBREACH-04.doc

NAM 000137

One of the services we provide to Retailers in our network is access to a password-protected web site that catalogs all the activity scheduled for their stores for upcoming cycles, as well as activity from previous cycles. This web site is only accessible by FGI employees and specific Retailer contacts. The information is highly proprietary and confidential and is password protected.

On January 14th of this year, FGI was alerted to the fact that News America had special knowledge on one of our upcoming programs. We learned this from the advertising client who called us inquiring how News America would know about a coming program that was only known to that client and ourselves. Specifically what happened is News America confronted this client and demanded to know why their stores had not been purchased for an upcoming program. The client was mystified as to how News America knew about the program since it had not run yet in stores and was confidential. FGI investigated.

We checked for information leaks, and one of the places we analyzed was our proprietary Retailer program information system. Specifically, as the concern was News America appropriating our confidential program information, we checked the logs for traffic originating from News America's network, as identified by their IP address (208.253.150.1). We found specific occasions where News America's IP address appeared in our web server log for this non-public system. The evidence showed that News America had broken into this system on eleven different occasions, beginning last fall and continuing into January 2004, from their network and apparently downloaded program information to use against us and clients.

Based on an analysis of the web pages News America visited, it appears they acquired inside knowledge of our systems through some sort of corporate espionage. We did not see any attempts to guess at the user or password used, indicating that someone told them specifically what the username/password combination was and where to go for the information they wanted.

We have subsequently changed all our web site passwords, and also changed the location of the web pages. We are also closely monitoring the traffic to our web sites, and thus far have not seen any further attempts to circumvent our security.

Technical details: (1) Doing a Whois lookup on 208.253.150.1 returns:

UUNET Technologies, Inc. UUNET1996B (NET-208-192-0-0-1)
208.192.0.0 - 208.255.255.255
News America Marketing UU-208-253-150-D6 (NET-208-253-150-0-1)
208.253.150.0 - 208.253.150.15

This tells us that News America has a range of IP addresses that they acquired through UUNET, their Internet Service Provider.

(2) A Traceroute returns:

traceroute to 208.253.150.1 (208.253.150.1), 30 hops max, 38 byte packets

1 prfw01-dmz (65.242.25.129) 0.213 ms 0.201 ms 0.136 ms
2 65.242.24.233 (65.242.24.233) 0.958 ms 0.981 ms 0.984 ms
3 Loopback0.GW4.EWR1.ALTER.NET (137.39.2.12) 5.969 ms 4.143 ms 4.171 ms
4 117.ATM4-0.XR1.EWR1.ALTER.NET (152.63.25.186) 4.236 ms 4.263 ms 8.041 ms
5 293.at-1-1-0.XR1.NYC8.ALTER.NET (152.63.17.190) 6.272 ms 6.263 ms 6.263 ms
6 183.ATM6-0.GW4.HAR1.ALTER.NET (152.63.26.57) 8.438 ms 9.155 ms 9.180 ms
7 newsamerica-gw.customer.alter.net (157.130.222.42) 235.313 ms 240.774 ms 264.977 ms

This indicates that the traffic came from a location near HAR1, which likely stands for Hartford, CT.

There are entries throughout our web server logs from this IP address, many of which record access to confidential images and data.

NAM 000138

RUSH HOLT
11th District, New Jersey

1019 Longworth Building
Washington, D.C. 20515
202-225-5801
Fax 202-225-6025

50 Washington Road
West Windsor, NJ 08550
609-750-9365
Fax 609-750-0618

website and e-mail:
www.house.gov/rholt



Congress of the United States

April 11, 2005

Committee on Education
and the Workforce

Permanent Select Committee
on Intelligence

Member

Congressional Arts Caucus
Congressional Working Group on Children
Congressional Fire Services Caucus
Sustainable Development Caucus
Internet Caucus
Law Enforcement Caucus

Mr. Christopher Christie
United States Attorney for the District of New Jersey
970 Broad St., 7th Floor
Newark, New Jersey 07102

Dear Mr. Christie:

A situation has been brought to my attention regarding FLOORGraphics, Inc. (FGI), an in-store advertising business headquartered in Princeton, New Jersey.

My constituents have alleged that FGI's primary competitor has undertaken tactics that are potentially illegal. Enclosed is information that they have provided to me that explains their specific allegations. I have been informed that an attorney from your office, Scott Christie, as well as the Secret Service, have interviewed representatives from FLOORGraphics regarding this matter.

If this matter is not already under investigation, I ask that you review the enclosed materials in making a determination as to whether the facts warrant your office's action. Thank you in advance for your time and attention to this matter.

Sincerely,

RUSH HOLT
Member of Congress

RH/cg

6-14-05 11:12:00PM: HON RUSH HOLT
JUN 14 2005 11:31 FR1302+228+8025
TO 912022256025002
3/ 3
P.02

U.S. Department of Justice

United States Attorney
District of New Jersey370 Broad Street, Suite 700
Newark, NJ 07102

(973) 645-2786

May 6, 2005

Honorable Rush Holt
Member of Congress
Twelfth District, New Jersey
1019 Longworth Bldg.
Washington, D.C. 20515
Attn: Matthew DennisRe: FLOORGraphics, Inc. Referral

Dear Mr. Holt:

This Office has received your letter dated April 11, 2005 concerning allegations of fraud and/or misappropriation of confidential information.

Your letter and attached documents currently are under review by Assistant U.S. Attorneys in our Commercial Crimes Unit. Because the above-referenced matter may involve fraud, we are also forwarding copies of your letter and the attached documentation to the Federal Bureau of Investigation for review.

Thank you for bringing this matter to our attention and providing us with the relevant documentation. If I can be of further assistance, please do not hesitate to contact me at (973) 645-2729.

Respectfully yours,

CHRISTOPHER J. CHRISTIE
United States AttorneyBy: DEBORAH L. GOLDKLANG
Chief, Commercial Crimes Unitcc: Fred Ransom
Supervisory Special Agent, FBI

To: [REDACTED]
From: George Rebh [REDACTED]@floorgraphics.com>
Subject: News Corp, FLOORgraphics
Cc:
Bcc: [REDACTED]@floorgraphics.com
Attached:

6/2005

I am providing information and attached documents regarding the break-in into our password-protected computer system by News America, a division of News Corporation, and FGI's communication with Federal law enforcement. Thank you in advance for your assistance in determining the status of this serious matter.

The FBI agents who visited FGI executives at our headquarters in Princeton in early April 2004 and reviewed evidence of the break-in and other materials were:

Susan A Secco, Special Agent, FBI
100 Davidson Avenue, Suite 209
Somerset, NJ 08873
email: [REDACTED]

Joseph M. Gronczewski, Special Agent, FBI
100 Davidson Avenue, Suite 209
Somerset, NJ 08873
[REDACTED]

Following the April 2004 meeting, Ms Secco emailed Richard Rebh, CEO of FGI, summarizing the situation:

- She had all she needed to conduct interviews because FGI had provided an excellent paper trail.
- Based on the information in the computer logs FGI had provided her, and knowing that the IP address which had accessed FGI's password-protected computer system was located in Connecticut, she was inclined to focus on News America employees based in their Connecticut office.
- She indicated she had the concurrence of Ass't US Atty Scott Christie (Newark, NJ).
- She promised to keep FGI apprised of her progress or her need for any further information.

In mid-May 2004, after some email exchanges with Richard Rebh in which FGI provided additional information, Ms. Secco emailed FGI and requested that FGI continue to not discuss the matter with anyone other than herself and those within FGI who had a need to know and asked that further communication not be by email.

In November 2004, having heard nothing further from the FBI and only broad indications from AUSA Christie of "good but slow progress," Richard Rebh called Ms. Secco and was shocked to be informed that the FBI had not pursued the investigation at all over the preceding 7 months because the case did not meet the \$5,000 minimum damage threshold. FGI informed Ms. Secco that FGI's provable damages far exceeded this amount and that FGI would have

immediately made that showing had we been asked to do so. Ms. Secco said that the matter had been referred back to the US Attorney's office in Newark, and any further discussion would have to be with that office.

Following his phone conversation with Ms. Secco, Richard Rebh called AUSA Scott Christie, who informed FGI that he was soon departing to private practice. When told of the conversation with Ms. Secco, he expressed much surprise, as he indicated that the FBI had given him the impression along the way that they were moving forward with an investigation. He said he first needed to confirm that the FBI had not investigated. Christie called Richard Rebh back and confirmed the substance of Richard Rebh's call with Ms. Secco. He suggested that FGI follow up with his successor, Kevin O'Dowd, and with the US Secret Service, which agency also has jurisdiction over cyber crime. FGI contacted Secret Service agent Rory Moran (who Christie endorsed as an appropriate contact) in his Trenton office. FGI subsequently met with Moran in late 2004. FGI's efforts to communicate with Mr. O'Dowd have been unproductive: after initially indicating last last year that he would "look into the matter," in the many months following, O'Dowd has neither contacted FGI nor responded to FGI's calls.

Rory Moran, Secret Service

[REDACTED]
Mobile: [REDACTED]
email: [REDACTED]
34 Headquarters Plaza
Morristown, NJ 07960

In our meeting with Moran, he reviewed the same information provided by FGI to the FBI. Because the computer IP address of News America has now been changed from the one in early 2004, Moran said that, in order to investigate, he would need a subpoena from the US Attorney's office to request records from News America's former phone provider.

In at least ten follow-up phone discussions with Moran since late 2004—and as recently as last month—he has indicated an interest in pursuing an investigation but has had an experience similar to FGI's: he has gotten no response to his phone calls and requests to the AUSA so that he can secure necessary authorization to move forward.

Attached are summary materials for your review which evidence and explain the break-in. If you have follow-up questions or wish to discuss, kindly email me or call me at 202-365-8212.

Regards,
George Rebh
Executive Vice President
FLOORgraphics, Inc.

United States Senate
WASHINGTON, DC 20510

June 9, 2005

The Honorable Alberto R. Gonzales
U.S. Attorney General
Office of the Attorney General
U.S. Department of Justice
Tenth Street and Constitution Avenue., N.W.
Washington, D.C. 20530

Dear Attorney General Gonzales:

We have been contacted by FLOORgraphics, Inc. ("FGI"), a corporate constituent of ours based in Princeton, New Jersey. Established in 1996 by two brothers, George and Richard Rebh, FGI provides in-store advertising on behalf of manufacturers of major food, health, and household items that sell their products inside thousands of grocery stores across the country. It is our understanding that one of FGI's competitors in this business is News America Marketing In-Store ("News America"), which is owned by News Corp.

We have been informed by FGI that the U.S. Attorney's Office for the District of New Jersey, the Federal Bureau of Investigation, and the U.S. Secret Service initiated an investigation into allegations that News America illegally gained access to FGI's password-protected computer system and obtained FGI's confidential data over a period of many months.

We ask that you give the allegations made by FGI appropriate consideration as you undertake this investigation. If it is possible to update FGI on the status of this investigation, we ask that you do so at your earliest convenience.

Sincerely,


JON S. CORZINE
United States Senator


FRANK R. LAUTENBERG
United States Senator

United States Senate

WASHINGTON, DC 20510

July 20, 2011

The Honorable Eric H. Holder, Jr.
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Director Robert S. Mueller, III
Federal Bureau of Investigation
J. Edgar Hoover Building
935 Pennsylvania Avenue, NW,
Washington, DC 20535

Dear Attorney General Holder and Director Mueller:

I understand from reports that the Federal Bureau of Investigation (FBI) has begun a preliminary review into allegations that News Corporation (News Corp.) may have sought to illegally access phone records or hack into the voicemails of victims of the 9/11 terrorist attack.

In connection with the FBI's review of News Corp.'s conduct, I wanted to bring to your attention the attached letter that I wrote to Attorney General Alberto Gonzales in June 2005 regarding another incident involving News Corp. and allegations of illegal conduct. Specifically, FLOORgraphics, Inc. (FLOORgraphics), a corporate constituent of mine based in Princeton, New Jersey, provided in-store advertising on behalf of manufacturers of major food, health, and household items selling products in grocery stores throughout the country. One of FLOORgraphics's competitors in this business was News America Marketing (News America), which is owned by News Corp.

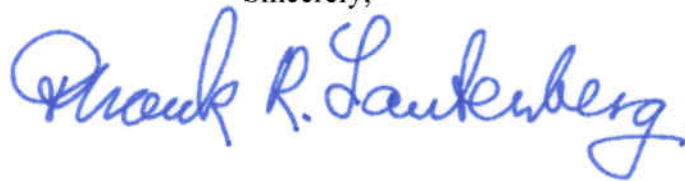
At the time of my letter in 2005, I was informed by FLOORgraphics that the U.S. Attorney's Office for the District of New Jersey, the FBI and the U.S. Secret Service initiated an investigation into allegations that News America illegally gained access to FLOORgraphics's password-protected computer system and obtained FLOORgraphics's confidential data. In response to my letter, the Department of Justice informed me that, as a matter of policy, it was not in a position to confirm or deny the existence of an investigation into News America's conduct, but that the Department of Justice took all allegations of criminal conduct very seriously.

As the Department of Justice and FBI examine the recent hacking allegations involving News Corp. and its subsidiaries more closely, I wanted to make sure that you were fully aware of the case of FLOORgraphics and News America, as it may be relevant to your current

investigation. Please do not hesitate to contact me for any further information my office may be able to provide about FLOORgraphics's allegations, as appropriate.

Thank you for your attention to this matter and I look forward to your timely reply.

Sincerely,

A handwritten signature in blue ink that reads "Frank R. Laubenberg". The signature is written in a cursive style with a large initial "F" and a long, sweeping underline.

RUSH HOLT
Twelfth District, New Jersey

1214 Longworth Building
Washington, D.C. 20515
202-225-5801
Fax 202-225-6025

50 Washington Road
West Windsor, NJ 08550
609-750-9365
Fax 609-750-0618

<http://holt.house.gov>



Congress of the United States

July 20, 2011

Chair
Select Intelligence Oversight Panel
Committee on Appropriations

Committee on Education
and Labor

Permanent Select Committee
on Intelligence

Committee on Natural Resources

The Honorable Eric Holder
Attorney General of the United States
United States Department of Justice
950 Pennsylvania Ave., NW
Washington, D.C. 20530

Dear Attorney General Holder:

As you are aware, fresh allegations of illegal business practices by News Corporation have recently surfaced in major media here and in the United Kingdom. I wanted to make you aware that in April 2005, I wrote then-U.S. Attorney for the District of New Jersey, Chris Christie, about a similar incident perpetrated against FLOORGraphics, Inc. (FGI), an in-store advertising business that at the time was headquartered in Princeton, New Jersey.

It is my understanding that Senator Lautenberg has already written to you about that incident, and I wish to add my voice to his in requesting that you revisit the FGI case to see if there are any links between that incident and these new allegations against News Corporation.

While we all support healthy competition in the business sector, when allegations of illegal business conduct surface, it is vital that the federal government investigate promptly and thoroughly such allegations. Consumers, shareholders, and the public at large deserve no less.

I appreciate your attention to this matter.

Sincerely,

RUSH HOLT
Member of Congress

RH/pe

Statement from Suzanne Halpin, spokeswoman for News Corp and its subsidiary, News America to The New York Times

Regarding Floorgraphics:

News America Marketing takes violations of our company's business standards very seriously. News America Marketing and Floorgraphics fully resolved the civil proceeding between the two companies in 2009. The New Jersey Division of Criminal Justice filed no charges in this matter.

In connection with the proceeding, News America Marketing's attorney confirmed that someone using a News America Marketing computer address accessed a password-protected Floorgraphics web site. This site was available to hundreds, if not thousands, of Floorgraphics retailers, representatives of consumer packaged goods companies and Floorgraphics employees. There is considerable employee movement within this industry, and we believe it was someone with an authorized password. News America Marketing condemned this conduct, which is in violation of the standards of our company.

Regarding the resolution of the suit:

Over the years, Floorgraphics approached News America Marketing about buying the company, including prior to the lawsuit. In fact, News America Marketing paid no money in any settlement. Rather, News America Marketing bought Floorgraphics' assets and Floorgraphics dismissed its case.